

**UNDERHILL DEVELOPMENT REVIEW BOARD**

**APPEAL REQUEST
HEARING PROCEDURES**
Monday, March 18, 2019

Applicant(s): Jared & Dana LeBlanc
Docket #: DRB-19-02

State the following:

1. This is the hearing regarding the appeal by Jared & Dana LeBlanc pertaining to the Zoning Administrator's decision to categorize the basement area as a separate dwelling unit. The subject property is located at 407 Poker Hill Road (PH407) in Underhill, Vermont.

This appeal request is subject to review under the 2011 *Unified Land Use & Development Regulations*, as amended March 6, 2018 and the 2015 *Road, Driveway and Trail Ordinance*, as amended December 18, 2018. The purpose of this hearing is to review the appeal and supporting documentation to determine whether or not the Zoning Administrator made an appropriation decision; to review the regulations and other municipal ordinances pertinent to the appeal application; and to determine whether alternative relief is appropriate by approving a variance.

2. Copies of the Rules of Procedure that the Board follows are available for review at the front counter, and can be obtained from the Planning & Zoning Administrator.
3. The order of speakers tonight will be:
 - a. We will hear and ask questions of the Planning & Zoning Administrator;
 - b. We will then hear from, and ask questions of, the Appellant(s) and/or their representatives;
 - c. Then we will give other persons in the room a chance to speak. Under our Rules of Procedure, each speaker is limited to five minutes; however, that time can be extended upon request to the Board and majority consent of the Board;
 - d. Then the Appellant(s) and/or their representatives will have an opportunity to respond;
 - e. Then final comments will be solicited from all parties.

All speakers should address their comments to the Board, not to other parties present at the hearing. Board Members may feel free to ask questions of any speaker.

4. Are any state or municipal representatives present, and acting in their representative capacities?
5. An Interested Parties Info Sheet is available to all attendees at the front counter or from the Planning & Zoning Administrator. Please review it for further information.

Then state:

Only those interested persons who have participated, either orally or through written statements in a DRB proceeding may appeal a decision rendered in that proceeding to the Environmental Division of Superior Court.

6. If you are the appellant, appellant representative, or an interested party who wants to participate in the hearing, we will have you come up to the witness chair and clearly state your name, residential address, and mailing address if it differs.
7. I am now going to swear in all those present who wish to speak tonight. All individuals who plan to testify must take the following oath by responding "I do" at the end: ***"Do you hereby swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth under pains and penalties of perjury?"***
8. Are there any conflicts of interest or have there been any ex parte communications on the part of the Board Members?
9. At this point I am going to enter into the record the information package that was sent by the Planning & Zoning Administrator prior to the hearing. The information included in this package relevant to this hearing is:

Exhibit A - Appeal Request Application
Exhibit B - Zoning Violation
Exhibit C - CL-18-12 Conversion of Use Application
Exhibit D - Certificate of Service
Exhibit E - Existing Floor Plan
Exhibit F - BFP Notice
Exhibit G - Zoning Administrator's Timeline
Exhibit H - Appeal Request Hearing Procedures

These exhibits are available in the Jared & Dana LeBlanc appeal request file (DRB-19-02) at the Underhill Zoning & Planning Office and on the Town's website.

10. First, we'll begin testimony by hearing from the Planning & Zoning Administrator.
11. Next, we will hear from the appellant(s) and/or their representative(s).
12. Are there members of the public who would like to speak?
13. Any final comments from the Board, the Planning & Zoning Administrator, or the appellant(s) and/or their representative(s)?
14. Does the Board feel that they have enough information at this time to make a decision on the application?
 - a. *If more information is needed to make a decision on the application, continue the hearing to a date and time certain, and outline for the Applicant(s) what is required at that continued hearing; or*
 - b. *If, by consensus, enough information has been presented to make a decision on the application, ask for a motion to close the evidentiary portion of the hearing.*

15. Ask for a motion to approve or deny the application, as well as asking the Board if they wish to discuss the application in open deliberative or closed deliberative session? (After the ruling, continue with the info below.)

“Within 45 days from this hearing, the Planning & Zoning Administrator, on behalf of the Board, will send a copy of the decision to the Appellant(s), their representative(s), and those who have participated in tonight’s hearing. A 30-day appeal period will begin on the date the decision is signed. The letter will outline the next steps in the process. If there are no other comments or questions we will close this portion of the meeting.”